

REMARKS

The present Amendment is being presented in order to clearly and unambiguously distinguish in a patentable mode over the prior art cited by the Examiner in the Office Action dated July 25, 2007.

In essence, with respect to the minor formal objections and claim rejections under 35 U.S.C. §112, second paragraph, the claims, as presented herein, wherein new Claim 5 replaces previous claim 1, the latter of which has been cancelled without prejudice or disclaimer, clearly provides terminology setting forth the inventive concept in precise and clearly defined language.

Concerning the foregoing, the newly presented Claim 5 is based essentially on the wording of originally filed Claim 1 in combination with Paragraphs [0012] and [0014] of the publication of the present application, and basically pertains to a clear response to the Examiner's objections set forth in Paragraph 7 of the Office Action, and particularly, to the Examiner's language, "the applicants' Claim 1 does not limit the textile screen to maintain the frusto-conical shape permanently while in a deployed condition".

However, in contrast with the prior art, the essential and basic concept of the present invention, as set forth in the claim, resides that the textile screen (16) is prevented from being opened out into a substantially flat textile disk under the influence of centrifugal force, whereby this will clearly avoid any undesirable and deleterious flutter phenomena, which may be encountered along the edge of the textile screen (16) during flight of the projectile.

The foregoing concept is now clearly set forth in the newly presented Claim 5, wherein the claim also discloses in a clear mode that there is achieved the technical measure in the manner as to how the above cited basic feature can be attained by cutting out a cloth (33) in a circular or a

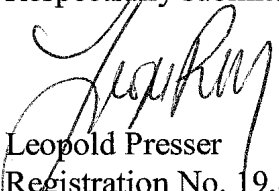
disk shaped configuration in a plane and then gathering up the cloth (33) in the peripheral direction by means of radial sector cuts or sewing seams or with radially extending tucks or darts, all of which are selectively interchangeable.

With respect to the prior art which the Examiner has cited in rejecting the claims, wherein Bär, et al., U.S. Patent No. 6,672,536 B2 and Bär, et al, U.S. Patent No. 6,511,016 B2, both of which are applicants' own earlier publications, and commonly assigned to the present assignee, both publications disclose braking arrangements whereby at least for a period of time or in certain circumstances or situations, these may deploy into an obtuse-angled frusto-conical shape. However, the present invention is not directed to such a known opening and deploying process of a braking element. In contrast, the present invention is directed to the concept in that the basic feature of the present invention resides in that the braking element is prevented from being opened out into an operative position perpendicular or normal to the longitudinal axis of the projectile.

Reverting to the references of record, neither of the cited Bär patents, although disclosing braking elements which are deployed in an obtuse-angled frusto-conical shape, provide any kind of suggestion as to the prevention of a deploying state or condition in which the braking element are in a position perpendicular to the longitudinal axis of the projectile. Thus, the newly presented Claim 5, and amended Claims 2-4, which are dependent therefrom, are clearly and unambiguously directed to subject matter which patentably distinguishes over both of applicants' earlier Bär, et al., U.S. patents.

In view of the foregoing comments and amendments, the early and favorable consideration of the application by the Examiner and issuance of the Notice of Allowance are earnestly solicited. However, in the event that the Examiner has any queries concerning the instantly submitted Amendment, applicants' attorney respectfully requests that he be accorded the courtesy of possibly a telephone conference to discuss any matters in need of attention.

Respectfully submitted,



Leopold Presser
Registration No. 19,827
Attorney for Applicants

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza – Suite 300
Garden City, New York 11530
(516) 742-4343

LP:jy